

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SPINE & JOINT SURGICAL INSTITUTE  
OF MICHIGAN SOUTHFIELD LLC,

Plaintiff,

Case No. 21-cv-11316  
Hon. Matthew F. Leitman

v.

SURGICAL CENTER  
OF SOUTHFIELD, LLC, *et al.*,

Defendants.

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**ORDER (1) DENYING DEFENDANTS' MOTION TO DISMISS  
(ECF No. 34) AND (2) DIRECTING PARTIES TO PURSUE MEDIATION**

On December 7, 2022, the Court held a hearing on Defendants' motion to dismiss Plaintiff's First Amended Complaint. (*See* Mot., ECF No. 34.) For the reasons explained on the record during the hearing, the motion is **DENIED**.

The parties shall now pursue private mediation. If this action does not settle following mediation, Defendants may file a renewed motion to dismiss directed at Plaintiff's common-law claims only. As explained on the record, the Court concludes that Plaintiff has pleaded viable claims under the Racketeer Influenced and Corrupt Organizations Act, and any renewed motion shall not be directed at those claims.

**IT IS SO ORDERED.**

Dated: December 7, 2022

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 7, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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